

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Citifinancial Mortgage Company, Inc.)	CASE NO. 1:05 CV 1536
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
vs.)	
)	
Victor Wayne Nagy, et al.,)	<u>Order</u>
)	
Defendant.)	

This matter is before the Court upon defendant Nagy's Motion for Change of Venue.

For the following reasons, the motion is DENIED.

Plaintiff filed this Complaint for Foreclosure in this Court asserting diversity of citizenship as the basis for jurisdiction. Although asking for a change of venue, defendant Nagy actually seeks remand of this case to state court. Defendant's request is unwarranted for the following reasons.

First, this Court properly exercises diversity jurisdiction because the parties are completely diverse and the amount in controversy exceeds \$75,000.00. 28 U.S.C. § 1332(a).

Second, this Court has subject matter jurisdiction over a foreclosure action where the parties are diverse. *See RTC Commercial Loan Trust v. Templeton*, 12 F.Supp.2d 667 (W.D. Mich. 1997).

Third, a case originally filed in federal court cannot be remanded to state court. *See First Nat'l Bank of Pulaski v. Curry*, 301 F.3d 456, 461 (6th Cir.2002).

For the foregoing reasons, defendant Nagy's Motion for Change of Venue is denied.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan

PATRICIA A. GAUGHAN

UNITED STATES DISTRICT JUDGE

Dated: 8/16/05